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Attorneys for Plaintiff
ROBERT BOSCH HEALTHCARE SYSTEMS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ROBERT BOSCH HEALTHCARE
SYSTEMS, INC.,

Plaintiff,

v.

EXPRESS MD SOLUTIONS, LLC,

Defendants.

AND RELATED COUNTERCLAIMS.

CASE NO.: 3:12-CV-00068 JSW

STIPULATION AND ~~[PROPOSED]~~ ORDER
VACATING CLAIM CONSTRUCTION
DEADLINES

Judge: Honorable Jeffrey S. White

Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Robert Bosch Healthcare Systems, Inc. ("Bosch") and Defendant Express MD Solutions, Inc. ("ExpressMD"), by and through their respective counsel, enter into this Stipulation with respect to the following facts:

WHEREAS, on April 24, 2012, the Court entered its Patent Scheduling Order (Dkt. No. 37) in this case setting the Close of Claim Construction Discovery on October 15, 2012, the Case Tutorial on November 15, 2012 and the Claim Construction Hearing on November 16,

1 2012;

2 WHEREAS, pursuant to the April 24, 2012 Patent Scheduling Order (Dkt. No. 37),
3 Bosch's opening claim construction brief is due on October 12, 2012, ExpressMD's responsive
4 claim construction brief is due on October 26, 2012 and Bosch's reply claim construction brief is
5 due on November 2, 2012;

6 WHEREAS, pursuant to the Order entered on September 6, 2012 (Dkt. No. 62), this case
7 was reassigned to the Honorable Jeffrey S. White and all hearing dates, including the Case
8 Tutorial and Claim Construction Hearing were vacated, but briefing schedules remained
9 unchanged;

10 WHEREAS, on September 18, 2012, the Court entered its Order Setting Case
11 Management Conference (Dkt. No. 68) setting a case management conference on January 11,
12 2013 and requiring the parties to file a joint case management statement no later than January 4,
13 2013;

14 WHEREAS, on September 19, 2012, the Court entered its Order (1) Denying
15 Administrative Motion and (2) Requiring Amended Joint Claims Construction and Prehearing
16 Statement (Dkt. No. 69), directing the parties to file an amended joint claims construction and
17 prehearing statement narrowing the proposed terms for construction no later than October 11,
18 2012 and to propose dates for the tutorial and the claim construction hearing in their joint case
19 management statement due by January 4, 2013;

20 WHEREAS, under the current schedule, Bosch's opening claim construction brief is due
21 just one day, and claim construction discovery closes just four days, after the parties are to file
22 their amended joint claims construction and prehearing statement narrowing the proposed terms
23 for construction and this does not give the parties adequate time to conduct their discovery and to
24 prepare their claim construction briefs; and

25 WHEREAS, the requested vacating of the claim construction discovery and briefing
26 deadlines will not affect any other date or deadline in this case, since the Court has not yet set the
27 new claim construction hearing date and has requested that the parties propose new dates in their
28 joint case management statement due by January 4, 2012 and the parties will include proposals

1 for the new claim construction discovery and briefing deadlines in that statement as well;

2 IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their
3 respective counsel of record, for good cause shown, that the deadlines for claim construction
4 discovery and briefing set by the Court's April 24, 2012 Patent Scheduling Order (Dkt. No. 37)
5 be hereby vacated to be reset by the Court in conjunction with the Case Management Conference
6 on January 11, 2013.

7 DATED: September 28, 2012

DORSEY & WHITNEY LLP

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9 By: /s/ Patricia A. Welch
PATRICIA A. WELCH
10 Attorneys for Plaintiff ROBERT BOSCH
HEALTHCARE SYSTEMS, INC.

11 DATED: September 28, 2012

SNR DENTON US LLP

12
13 By: /s/ Rachel Repka
RACHEL REPKA
14 Attorneys for Defendant
EXPRESS MD SOLUTIONS, LLC

15 ATTESTATION

16 Pursuant to Civil Local Rule 5-1(i)(3) the filer of this document attests that concurrence
17 in the filing of the document has been obtained from each of the other signatories.

18
19 ORDER

20 PURSUANT TO STIPULATION AND FOR GOOD CAUSE SHOWN,

21 IT IS HEREBY ORDERED that the deadlines for claim construction discovery and
22 briefing previously set by the Court are hereby VACATED.

23
24 DATED: October 1, 2012


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE